

REMARKS

In the October 1, 2008 Office Action, claims 1-27 and 35-37 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

None of the claims are being amended by the current Amendment. Thus, claims 1-37 are pending, with claims 1 and 28 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

Election of Species

In paragraph 1 of the Office Action, Applicant's election without traverse in the reply filed on July 22, 2008 was acknowledged. Thus, non-elected claims 28-34 were withdrawn from further consideration. However, Applicant respectfully requests that non-elected claims 28-34 be rejoined in this application upon allowance of a generic or linking claim, or claims.

Rejections - 35 U.S.C. § 102

In paragraph 3 of the Office Action, claims 1, 2, 4-8, 15 and 35-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 59-216459 (Kakizawa). In response, Applicant respectfully traverses the basis of the rejection for the reasons explained below.

Independent claim 1 recites that a *U-shaped* magnetic path opens to the plurality of first yoke plates. Clearly, this structure is *not* disclosed or suggested by Kakizawa or any other prior art of record. In the Office Action, it is stated that a U-shaped magnetic path would open to the teeth 12a and 12b due to the configuration disclosed in Kakizawa. On the contrary, Applicant believes that the configuration disclosed would result in a magnetic path flowing directly from the adjacent north and south poles (see Figures 2 and 3). It appears that in Kakizawa the magnetic path would be a *direct, straight-line path* from north pole to south

pole to north pole and so on, rather than a U-shaped path opening to the teeth 12a and 12b, as required by independent claim 1. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each and every element* of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Furthermore, Applicant respectfully disputes the rejection of claim 8. In rejecting claim 1, the Office Action indicated that the first yoke plates could be represented by the magnetic teeth 12a and 12b of Kakizawa. Claim 8 recites an additional second yoke plate on a side opposite to the first yoke plates which the Office Action indicated as 12a and 12b. The Office Action rejects claim 8 and points again to the teeth 12a and 12b. As such, the rejections of claims 1 and 8 appear to be inconsistent. Even if one were to assume that the teeth 12a could be construed as the plurality of first yoke plates, with the teeth 12b being the second yoke plate called for in claim 8, claim 1 would not be anticipated because the teeth 12a do not have different polar characteristics (they are all north), and thus no magnetic path would open to them. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2, 4-8, 15 and 35-37 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, these dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In paragraphs 5-14 of the Office Action, claims 3, 9-14 and 16-27 stand rejected under 35 U.S.C. §103(a). In particular, claims 3, 12, 13 and 22 are rejected as being unpatentable over Kazikawa. Claims 10 and 11 are rejected as being unpatentable over Kazikawa in view of U.S. Patent No. 5,581,422 (Umehara). Claim 9 is rejected as being unpatentable over Kazikawa in view of U.S. Patent No. 4,605,874 (Whiteley). Claim 14 is rejected as being unpatentable over Kazikawa in view of U.S. Patent No. 6,208,055 (Takahashi). Claims 16, 17, 19 and 20 are rejected as being unpatentable over Kazikawa in view of U.S. Patent Application Publication No. 2003/0052553 (Isozaki et al.). Claim 18 is rejected as being unpatentable over Kazikawa in view of U.S. Patent No. 6,005,324 (Kim). Claim 21 is rejected as being unpatentable over Kazikawa in view of Isozaki et al. and Japanese Patent Publication No. 06-022526 (Hashimoto). Claims 23 and 24 are rejected as being unpatentable over Kazikawa in view of U.S. Patent No. 5,679,990 (Ushiro). Claim 25 is rejected as being unpatentable over Kazikawa in view of Ushiro and U.S. Patent No. 5,729,102 (Gotou et al.). Finally, claims 26 and 27 are rejected as being unpatentable over Kazikawa in view of in view of U.S. Patent Application Publication No. 2003/0107348 (Inagawa et al.).

In response, Applicant respectfully traverses the rejections as explained below. Applicant believes the aforementioned reasons for traversal of the §102 rejection of independent claim 1 support a finding that independent claim 1 is allowable over Kazikawa alone. The prior art listed above and used in the §103 rejections does not appear to solve the deficiencies of Kazikawa. Due to the dependence of claims 3, 9-14 and 16-27 from claim 1, Applicant believes these claims are also allowable over the prior art. Withdrawal of the rejections is respectfully requested.

In addition to the arguments above, Applicant would like to specifically address the rejection of claim 9. Claim 9 recites at least two hexahedron-shaped permanent magnets, and claim 9 depends from claim 1 and thereby incorporates all its limitations. Clearly this arrangement is *not* disclosed or suggested by a combination of Kazikawa and Whiteley. Although Whiteley appears to disclose magnets with a hexahedron shape, it would require a complete remaking of the Whiteley patent to achieve a hypothetical invention comparable to that disclosed by claim 9. In the Whiteley patent, there seems to be no suggestion or possible location for yoke plates with one end facing the stator and another end which does not face the stator, as required by claim 1 and as apparently disclosed in Kazikawa. Moreover, the structures of Kazikawa and Whiteley are simply so different that one would not attempt to combine their teachings. As one example, the magnets 13 and the stator 17 are radially displaced in Kazikawa, but that could not be possible in Whiteley.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicant's unique arrangement of a motor having a *U-shaped* magnetic path opens to the plurality of first yoke plates.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-27 and 35-37 are now in condition for allowance. Reexamination and reconsideration of the pending claims, including withdrawn claims 28-34, are respectfully requested.

Respectfully submitted,

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